

**REGARDING PETITIONS FOR ACCESSORY APARTMENT  
SPECIAL EXCEPTION**

**PLEASE TAKE NOTICE**

Effective immediately, all parties who make submissions, after an initial filing, in **Special Exception**, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purposes of this requirement, a party includes:

1. Counsel of record who have formally entered their appearance;
2. The People's Counsel for Montgomery County if he has filed a Notice of Intention to Participate in a case;
3. Any person to whom the Board has granted Intervener status and;
4. The Applicant, Petitioner or Appellant in the case.

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties.

**PETITION FOR ACCESSORY APARTMENT SPECIAL EXCEPTION  
UNDER ZONING ORDINANCE Section 59-G-2.00  
(Please note instructions on reverse side)**

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F:/Accessory Apt Application
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# MONTGOMERY COUNTY BOARD OF APPEALS

## **INSTRUCTIONS FOR FILING PETITION FOR ACCESSORY APARTMENT SPECIAL EXCEPTION**

- 1) Address correspondence to: Chairman, Montgomery County Board of Appeals, Stella B. Werner Council Office Building, Room 217, 100 Maryland Avenue, Rockville, Maryland, 20850, (Phone: 240-777-6600).
- 2) A filing fee of \$275.00 is required at the time of filing. Checks shall be made payable to Montgomery County, Maryland. Cash cannot be accepted. No application shall be accepted by the Clerk unless it contains all pertinent information and is accompanied by the required filing fee.
- 3) A Board of Appeals sign must be posted on the property within three (3) days after the application is accepted by the Clerk. A deposit for the sign of \$220.00 is required: \$110.00 will be refunded to the applicant when the sign is returned.

### **DATA TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION**

**(Section 59-A-4.22, Montgomery County Code 1994, as amended)**

Each Petition for Special Exception must be accompanied at the time of its filing by eight (8) copies of all documents that include:

1. Survey plats, or other accurate drawings, showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property lines.
2. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction, including signs, involved in the petition. Also include a floor plan of the accessory apartment, drawn to scale.
3. Statement explaining in detail how the special exception is proposed to be operated, including hours of operation, number of anticipated employees, occupants and clientele, equipment involved, and any special conditions or limitations which the applicant proposes for adoption by the Board.
4. Complete information concerning the size, type and location of any existing and proposed trees, landscaping and screening and any exterior illumination proposed.
5. An original Certified copy of official zoning vicinity map of 1,000 foot radius surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties. Purchase maps from the Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland, (Phone: 301-495-4610). **The complete, original map (as issued by M-NCPPC) and three (3) copies must accompany the petition.**
6. If petitioner is not the owner of the property involved, lease, rental agreement, or contract to purchase by which petitioner's legal right to prosecute the petition is established.
7. Applicable master plan maps reflecting proposed land use, zoning, and transportation, together with any other portions of the applicable master plan deemed pertinent by the petitioner. (Available at M-NCPPC, 8787 Georgia Avenue, Silver Spring.)
8. A preliminary forest conservation plan prepared in accordance with Chapter 22A and an approved natural resources inventory prepared in accordance with technical manual adopted by the Planning Board and in addition:
  - (i) Other natural features, such as rock outcroppings and scenic views; and
  - (ii) Historic buildings and structures.
9. A preliminary and/or final water quality plan if the property lies in a special protection area subject to the provisions of Chapter 19 of the Code.
10. All additional exhibits which the petitioner intends to introduce.
11. Summary of what the petitioner intends to prove, including the names of petitioner's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the petitioner's case.
12. A listing of the names and mailing addresses of the adjoining and confronting property owners (see Section 59-A-4.46) who are entitled to notice of the filing. This information is available from the State Department of Assessments and Taxation, 30 West Gude Drive, Suite 400, Rockville, Maryland, 20850, (Phone: 240-314-4510). Please also list any local citizens associations and any municipality or special taxing district within which the property is located. Please use BOA Form 5.

### **IMPORTANT**

**Please note:** Approval of a special exception is separate from Homeowner Association (HOA), Co-op Association and Condominium agreements and covenants, which may prohibit accessory apartments. Homeowners should consult their HOA, Condominium or Co-op documents. The Board of Appeals cannot enforce HOA, Condominium or Co-op covenants, which are private contractual agreements.

It is suggested that petitioner, before preparing the petition, read carefully Sections 59-A-4.1, 59-A-4.2 and 59-G-1.2 and 59-G-2.00 of the Zoning Ordinance and the particular subsection pertaining to the use desired.

